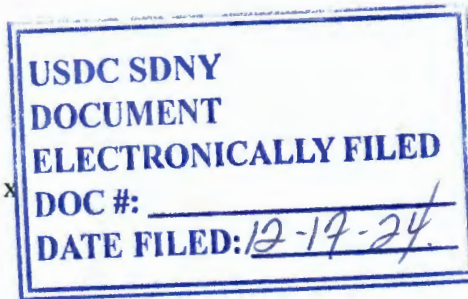


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
UNITED STATES OF AMERICA,



-against-

S1 18-cr-0393 (LAK)

CARLOS MANUEL SERRANO,

Defendant.  
----- X

**ORDER**

LEWIS A. KAPLAN, *District Judge.*

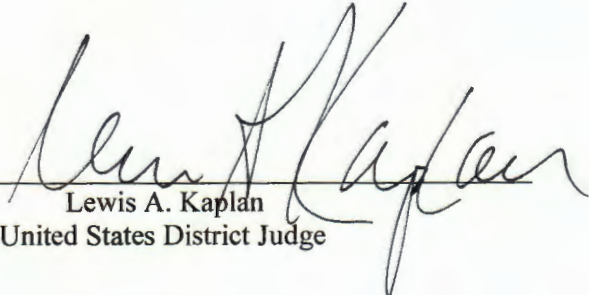
The defendant was convicted in 2019 on his plea of guilty to one count of distribution and possession with intent to distribute heroin and another count of distribution and possession with intent to distribute cocaine and sentenced principally to terms of imprisonment of 87 months on each, the terms to run concurrently, and a term of supervised release of four years. He alleges that he completed his term of imprisonment in June 2024 during which he had no report for "bad behavior" and participated in all First Step Act ("FSA") programs available to him. While he has been under a final order of deportation for many years, he has not been deported, apparently because Cuba will not accept his return. He now asks that whatever credit he earned under the FSA while incarcerated be applied to reduce his term of supervised release.

While the Court understands that any credit toward the release date of an incarcerated prisoner under the FSA is not available to one under a final order of deportation or removal, the Court need not now decide that because (1) the initial determination of a release date is made by the Bureau of Prisons ("BOP"), and (2) defendant already has been released. Moreover, while the BOP's determination of a release date would have been subject to judicial review, that review is not available from the sentencing judge and presumably not following release from incarceration. In any case, while deportable non-citizens may earn FSA time credits while incarcerated, the FSA does not provide for any FSA credits that were not "used" to reduce the term of incarceration to be applied to terms of supervised release. *See* 18 U.S.C. § 3624.

Accordingly, the application is denied.

SO ORDERED.

Dated: December 17, 2024

  
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Lewis A. Kaplan  
United States District Judge